

JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

LAURA IHEANACHOR
Assistant Corporation Counsel
Phone: (212) 356-2368
Fax: (212) 356-3509
liheanac@law.nyc.gov

April 1, 2020

BY ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Robinson Feliz v. City of New York, et al.
19 Civ. 6305 (AJN)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to represent defendant City of New York ("City") in the above-referenced matter. Defendant City writes to respectfully request a ninety (90) day stay of this litigation, including all scheduled deadlines and discovery, in light of the current pandemic. Plaintiff's counsel consents to this request. This is City Defendants' first request for such a stay.

As the Court is aware, the country is currently grappling with the COVID-19, or coronavirus, pandemic. On March 7, 2020, Governor Andrew Cuomo declared that New York is in a state of emergency because of the rapidly developing pandemic situation. On March 13, 2020, Mayor Bill de Blasio followed suit, and declared New York City to be in a state of emergency as well. Further, on March 20, 2020, Governor Cuomo signed the "New York State On Pause" Executive Order, mandating that all non-essential personnel stay at home. In light of pronouncements from government officials, associated policies, expert recommendations, and the citywide efforts to curb the further spread of COVID-19, the New York City Law Department, has significantly transitioned its workforce to work from home status.

Due to the fact that the aforementioned recent developments have caused (1) this Office to reduce its in office workforce to essential employees, (2) the state courts to halt non-critical functions, and (3) health providers, businesses, and agencies throughout New York City and state to overwhelmingly reduce their in-office workforce, there has been a significant disruption in normal business functions that has affected the undersigned's ability to defend this matter,

including, but not limited to, requesting and obtaining documents, preparing defendants for deposition, and conducting depositions.¹

Accordingly, this Office respectfully requests that the Court grant a stay of the instant litigation for ninety (90) days in light of the developing situation surrounding COVID-19. Thank you for your consideration herein.

Respectfully submitted,


Laura Iheanachor /s/

Laura Iheanachor

Assistant Corporation Counsel

cc: All Counsels of Record (ECF)

The Court hereby stays this litigation for 90 days. The initial pre-trial conference currently scheduled for May 1, 2020 is adjourned to August 7, 2020 at 3:00 p.m.
SO ORDERED.

SO ORDERED. 4/2/20

Alison J. Nathan, U.S.D.J.

¹ Conducting a deposition remotely simply fails to be an adequate substitute for an in-person deposition; courts in this Circuit have repeatedly recognized that “an in-person deposition is also preferable in terms of ensuring the accuracy of the depositions and interpretations” of testimony, *Memory Film Prods. v. Makara*, No. 05 Civ. 3735, 2007 U.S. Dist. LEXIS 34110, at *10 (E.D.N.Y. May 9, 2007), and is not a solution when “testimony is being preserved for trial,” as “it is important to have counsel present so that the examination most closely approximates that which would occur in the courtroom.” *In re Fosamax Prods. Liab. Litig.*, 06 MD 1789 (JFK) (JCF), 2009 U.S. Dist. LEXIS 27209, at *30 (S.D.N.Y. Mar. 4, 2009) (collecting cases).